

INTER-OFFICE COMMUNICATION

Palm Beach County, Florida

N/C

JAN 17 1982

TO: John Sansbury, County Administrator  
Richard Ellington, County Attorney  
Herbert Kahlert, County Engineer  
David Bludworth, State Attorney  
Robert L. Bogen, Asst. Attorney General  
Sgt. Cook, Sheriff's Dept.  
Paul Zacks, Sheriff's Office  
Robert Basehart, Zoning Director  
Bob Brockway, Building Division, Director  
Assistant County Attorney-  
~~✓ Tracey Bennet, Planning, Zoning & Building~~  
Dennis Moore, Animal Regulations

DATE: April 16, 1980

FROM: John W. Dame  
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE NO. 80-2

An Ordinance known as "The Animal Fighting Ordinance of 1980".

In accordance with the request of the Board of County Commissioners enclosed  
is a copy of subject Ordinance.

Signed

*John W. Dame*

Enclosure

cc: Commissioner Evatt  
Commissioner Bailey  
Commissioner Foster  
Commissioner Gregory  
Commissioner Koehler  
John B. Dunkle, Clerk  
Minutes Department

ORDINANCE NO. 80-2

1 AN ORDINANCE TO BE KNOWN AS THE "ANIMAL  
2 FIGHTING ORDINANCE OF 1980" PROVIDING FOR  
3 TITLE, DEFINITIONS, PROHIBITED CONDUCT,  
4 SEIZURE OF ANIMALS, EXCLUSIONS, PENALTIES,  
REPEAL OF LAWS IN CONFLICT, SEVERABILITY,  
INCLUSION IN CODE, AND EFFECTIVE DATE.

5 WHEREAS, the provisions of the Animal Fighting Act of  
6 1976 apply only to bulls, bears and dogs, and

7 WHEREAS, the Board of County Commissioners of Palm Beach  
8 County declares it to be in the best public interest to extend the  
9 prohibition of the Animal Fighting Act of 1976 to all animals.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

12 SECTION I. TITLE

13 This ordinance shall be known as the Palm Beach County  
14 Animal Fighting Ordinance of 1980.

15 SECTION II. DEFINITIONS

16 A. As used in this ordinance:

- 17 1. "Animal" means every living, dumb creature,
2. "Baiting" means to attack with violence, to  
provoke, or to harass an animal with one or more animals, for the  
purpose of training an animal for, or to cause an animal to engage  
in, fights with or among other animals.

18 3. "Person" means every natural person, firm,  
co-partnership, association or corporation.

19 SECTION III. PROHIBITED CONDUCT

20 The following acts shall be unlawful and a violation of  
this ordinance and subject to punishment as provided herein:

- 21 A. baiting, or using any animal for the purpose of  
fighting or baiting any other animal; or
- 22 B. knowingly owning, managing or operating any facility  
kept or used for the purpose of fighting or baiting any animal; or
- 23 C. promoting, staging, advertising or charging any  
admission fee to a fight or baiting between two or more animals; or
- 24 D. betting or wagering any money or other valuable

1 consideration on the fighting or baiting of animals; or  
2 D. attending the fighting or baiting of animals.

3 SECTION IV. SEIZURE OF ANIMALS

4 Whenever a complaint is filed under this ordinance and  
a judge assigned to the case finds probable cause that a violation  
has occurred, the Court may order the animal seized and held until  
final disposition of the charges and shall provide for appropriate  
and humane care or disposition of the animal. This provision  
shall not be construed as a limitation on the power of law  
enforcement officers to seize animals as evidence. If an animal  
is unable to humanely survive the final disposition of the  
charges, the Court may order a humane termination of the animal's  
life. Upon conviction under this ordinance of the persons  
charged, all animals involved shall become the property of Palm  
Beach County and the Court may order a humane disposition of them.

5 SECTION V. EXCLUSIONS

6 The provisions of this ordinance shall not apply to:  
7 A. any person simulating a fight for the purpose of  
using the simulated fight as part of a motion picture which will  
be used on television or in a motion picture, provided Florida  
Statute Section 828.12 is not violated;

8 B. any person using animals to pursue or take wildlife

9 or to participate in any hunting as regulated, or subject to being

10 regulated, by the rules and regulations of the Game and Fresh Water

11 Fish Commission;

12 C. any person using animals to work livestock for  
agricultural purposes;

13 D. any person using animals to train greyhounds for  
legalized racing, if not otherwise prohibited by law;

14 E. any person using animals to hunt wild hogs or to  
retrieve domestic hogs;

15 SECTION VI. PENALTIES

16 A violation of this ordinance shall be punishable as a

misdemeanor according to law.

SECTION VII. REPEALS OF LAWS IN CONFLICT

All local laws and ordinances applying to Palm Beach County in conflict with any provision of this ordinance are hereby repealed.

SECTION VIII. SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this ordinance is, for any reason, held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

## SECTION IX. INCLUSION IN THE COD

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

SECTION X. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgment by the Department of State, State of Florida.

APPROVED and ADOPTED by the Board of County  
Commissioners of Palm Beach County, Florida on the 1st day of  
April , 1980.

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS.

Acknowledged by the Department of State of the State of Florida, on this, the 7th day of April 1980

EFFECTIVE DATE: Acknowledgment from the Department of

State received on the 14th day of April , 1980, at  
3:17 PM.  
M. and filed in the office of the Clerk of the Board of  
County Commissioners of Palm Beach County, Florida.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY *Jay B. Benderly*  
County Attorney

COUNTY OF PALM BEACH, STATE OF FLORIDA

CLERK OF CIRCUIT COURT

I, John B. Dunkle, Clerk of the Fifteenth Judicial Circuit Court  
of the State of Florida and Clerk of the Board of County Commissioners, do  
hereby certify that the above and foregoing is a true and correct copy of  
an Ordinance known as the "Animal Fighting Ordinance of 1980", approved and  
adopted by the Board of County Commissioners in regular session on April 1, 1980,  
as shown by the records of this office.

Given under my hand and the Seal of the  
Board of County Commissioners of Palm  
Beach County, Florida, at the County  
Courthouse, West Palm Beach, Florida,  
this the 16th day of April A.D., 1980.

JOHN B. DUNKLE, Clerk of  
Circuit Court and Clerk of the  
Board of County Commissioners.

By John B. Dunkle  
Deputy Clerk